

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by:

Developer: AMI Properties, LLC, a Hawaii Limited Liability Company

Business Address: P.O. Box 61, Kailua-Kona, HI 96745

Project Name(*): LUNAPULE PROFESSIONAL PLAZA

Address: 75-127 Lunapule Road, Kailua-Kona, HI 96740

Registration No. 2713 (Conversion)

Effective date: February 5, 2009

Expiration date: March 5, 2010

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

_____ **PRELIMINARY:**
(yellow)

The developer may not as yet have created a condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

_____ **FINAL:**
(white)

The developer has legally created a condominium and has filed complete information with the Commission.

- ☐ No prior reports have been issued.
- ☐ This report supersedes all prior public reports.
- ☐ This report must be read together with _____

 X **SUPPLEMENTARY:**
(pink)

This report updates information contained in the:

- ☐ Preliminary Public Report dated: _____
- ☒ Final Public Report dated: November 9, 1992
- ☐ Supplementary Public Report dated: _____

And

- ☐ Supersedes all prior public reports
- ☒ Must be read together with Final Public Report dated November 9, 1992
- ☒ This report reactivates the Final
public report(s) which expired on December 9, 1993

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior condominium Specialist at 586-2643 to submit your request

FORM RECO-30 286/986/189/1190/892/0198/0800/0203/0104/0107

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report

☒ Not Required - disclosures covered in this report.

Summary of Changes from Earlier Public Report

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

The identity of the Developer has changed. The address of the Developer has changed. The Escrow has changed. The Real Estate Broker has changed.

The Developer has entered into a license agreement with Cellco Partnership, a Delaware general partnership the details of which are shown on page 20 of this Supplemental Public Report.

The Developer is submitting this Supplemental Public Report to reinstate the Final Public Report which expired on December 3, 1999

I. PERSONS CONNECTED WITH THE PROJECT

Developer: AMI Properties, LLC Phone: 808-889-6125
Name* (Business)
P. O. Box 61
Business Address
Kailua-Kona, HI 96745

Names of officers and directors of developers who are corporations; general partners of a partnership; partners of a Limited Liability Partnership (LLP); or managers and members of a Limited Liability Company (LLC) (attach separate sheet if necessary):

Angela Wolfenberger is the manager and only member of the Limited Liability Company

Real Estate Broker*: Kohala Pacific Realty, Inc Phone: (808)-889-5181
John V. Adams (Business)
Name
P.O. Box 307
Business Address
Kapaau, HI 96755

Escrow: First Hawaii Title Corporation Phone: (808) 885-4822
Name (Business)
65-1291 Kawaihae Road, Suite 102
Business Address
Kamuela, HI 96743

General Contractor: None Phone: _____
Name (Business)
Business Address

Condominium Managing Agent*: The Project is self managed by the Association of Apartment Owners Phone: _____
Name (Business)
Business Address

Attorney for Developer: Colin L. Love Phone: (808) 329-2460
Name (Business)
P. O. Box 2072
Business Address
Kailua-Kona, HI 96745

* For Entities: Name of corporation, partnership, Limited Liability Partnership (LLP), or Limited Liability Company (LLC)

Fee Owner: AMI Properties, LLC, a Hawaii Limited
Liability Company
Name

Lessor: N/A
Name
Address

C. **Buildings and Other Improvements:**

1. ☐ New Buildings
☒ Conversion of Existing Building(s)
☐ Both New Building(s) and Conversion
2. Number of Buildings: 2 Floors Per Building BLDG "A" - 2
BLDG "B" - 3
☒ Exhibit B contains further explanation.
3. **Principal Construction Materials:**
☐ Concrete ☐ Hollow Tile ☒ Wood
☐ Other _____
4. **Uses Permitted Use by Zoning:**

	No of Apts.	<u>Use Permitted By Zoning</u>	
<input type="checkbox"/> Residential		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Commercial	<u>24</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Hotel		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Ohana		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Industrial		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Agricultural		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Recreational		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other		<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?
☒ Yes ☐ No

2. **Limited Common Elements:** Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☒ [X] There are no limited common elements in this project:

☐ [] The limited common elements and the apartments which use them, as described in the Declaration, are:

☐ [] described in Exhibit _____.

☐ [] as follows:

3. **Common Interest:** Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration are:

☒ [X] described in Exhibit _____ "D" _____

☐ [] as follows:

- E. **Encumbrances Against Title:** An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "E" describes the encumbrances against the title contained in the title report dated Sept. 25, 2008 and issued by Commonwealth Land Title Insurance Company.

2 Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:

- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission
- B) Declaration of Condominium Property Regime.
- C) Bylaws of the Association of Apartment Owners.
- D) House Rules.
- E) Condominium Map.
- F) Escrow Agreement.
- G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
- H) Other Reserve Study, Specimen Deed

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of the laws: www.capitol.hawaii.gov
Website to access unofficial copy of laws: www.hawaii.gov.dcca/hrs
Website to access rules: www.hawaii.gov.dcca/har

This Public Report is a part of Registration No. 2713 filed with the Real Estate Commission on September 3, 1992

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock ☐ WHITE paper stock ☒ PINK paper stock

C. **Additional Information Not Covered Above**

There is an unrecorded option and Building Rooftop License agreement that was entered into by and between Kona Mortgage Partners, LLC, A California limited liability company , "Licensor", and Cellco Partnership, a Delaware general partnership, "Licensee" on April 20, 2004. A Memorandum of Agreement dated February 13, 2004, was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-118431. The foregoing Unrecorded Option and Building and Rooftop License Agreement was amended by First Amendment of License, dated September 30, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document 2004-206556.

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that his project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLA 2000) [Section 514A-1.6] The developer is required to make this declaration for issuance of an effective date for a final report)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

AMI Properties, LLC, a Hawaii limited liability company

Printed Name of Developer

By: Angela Wolfenberger 8/20/08
Duly Authorized Signatory* Date

Angela Wolfenberger, Its Manager

Print Name & Title of Person Signing Above

Distribution:

Department of Finance, _____ County of Hawaii
Planning Department, _____ County of Hawaii

****Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual***

EXHIBIT "B"

DESCRIPTION OF BUILDING AND APARTMENTS

I. DESCRIPTION:

LUNAPULE PROFESSIONAL PLAZA consists of two (2) buildings , Building "A" having two (2) floors and Building "B" having three (3) floors with a total of twenty-four (24) commercial apartments, ranging in size from 277.0 square feet to 2000.0 square feet for a total square footage of 16,194.0 square feet. The number of apartments on each floor of the two buildings vary in number and size (See below). The project has a total of 44 parking stalls (see below). The apartments each contain one room and are divided by wood frame stud walls with plaster over drywall, and they have wooden floors, acoustic dropped ceilings, individual air conditioning units, individual electric meters, floor to ceiling glass windows front and back and glass doors front and back opening to decks. Individual owners may erect additional interior walls within the Apartments as long as the appropriate building permits and approvals are obtained.

II. APPROXIMATE NET FLOOR AREAS*

The locations and sizes (sq.ft.) and percent of common area of the individual apartments are as follows:

<u>Building</u>	<u>Floor</u>	<u>Apartment No.</u>	<u>Size</u>	<u>Percent Common Area</u>		
Building A	1	1	703	0.043411	4.3411%	
		2	361.5	0.02232	2.232%	
		3	361.5	0.02232	2.232%	
		4A	351.5	0.21706	2.1706%	
		4B	351.5	0.021706	2.1706%	
		5	341.5	0.021088	2.1088%	
		6	341.5	0.021088	2.1088%	
	2	8A	866	0.052477	5.2477%	
		8B	376	0.023218	2.3218%	
		8C	1002	0.061875	6.1875%	
		8D	430	0.026553	2.6553%	
		8E	852	0.052612	5.2612%	
	Building B	1	7A	1436.3	0.088693	8.8693%
			7B	1450.7	0.089583	8.9583%
		2	9A	440	0.027171	2.7171%
			9B	440	0.027171	2.7171%
10A			440	0.027171	2.7171%	
10B			352	0.021736	2.1736%	
11			959	0.059219	5.9219%	
12			459	0.028344	2.8344%	
3		14	2000	0.123503	12.3503%	
		15A	672	0.041497	4.1497%	
		15B	930	0.057429	5.7429%	
		16	277	0.017105	1.7105%	

* The approximate net floor areas of each Apartment as set forth above are measured from the interior surface of the Apartment perimeter walls.

NOTE:

THE FLOOR AREAS ARE APPROXIMATE ONLY. THE DEVELOPER MAKES NO REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE FLOOR AREA OF ANY PARTICULAR APARTMENT.

End Exhibit "B"

EXHIBIT "E"

ENCUMBRANCES AGAINST TITLE

1. Real Property Taxes that may be due and owing. Refer to the County of Hawaii Director of Finance for further information.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines

3. G R A N T

In Favor Of: HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawaii corporation, and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as VERIZON HAWAII INC., a Hawaii corporation

Dated: October 30, 1979

Book: 14382

Page: 654

Purpose: granting a perpetual right and easement for utility and incidental purposes

4. G R A N T

In Favor Of: HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawaii corporation, and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as VERIZON HAWAII INC., a Hawaii corporation

Dated: November 8, 1990

Document No. 90-185655

Purpose: granting a perpetual right and easement for utility and incidental purposes

5. The covenants, agreements, obligations, conditions, easements and other provisions as contained in the following:

DECLARATION OF CONDOMINIUM PROPERTY REGIME OF "LUNAPULE PROFESSIONAL PLAZA"

Dated: May 22, 1992

Document No. 92-102222

but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

Condominium Map No. 1689, to which reference is hereby made.

6. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS

Dated: May 22, 1992
Document No. 92-102223

7. UNRECORDED OPTION AND BUILDING AND ROOFTOP LICENSE AGREEMENT

By and Between: KONA MORTGAGE PARTNERS, L.L.C., a California limited liability company, "Licensor", and CELLCO PARTNERSHIP, a Delaware general partnership d/b/a Verizon Wireless, "Licensee"
Dated: April 20, 2004

A Memorandum of Agreement dated February 13, 2004 was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-118431.

The foregoing Unrecorded Option and Building and Rooftop License Agreement was amended by the following:

FIRST AMENDMENT OF LICENSE

Dated: September 30, 2004
Document No. 2004-206556

8. Any unrecorded leases, subleases, and/or tenancy agreements demising a portion of the land herein described, and any encumbrances affecting the same.
9. Any matters which would be shown by a modern metes and bounds survey, including any possible encroachments or discrepancies in boundaries or area.
10. This report has been prepared as a status of title only, with no liability herein assumed. First Hawaii Title Corporation reserves the right to add additional exceptions and/or title requirements if the report is used in a transaction.

6. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS

Dated: May 22, 1992
Document No. 92-102223

7. UNRECORDED OPTION AND BUILDING AND ROOFTOP LICENSE AGREEMENT

By and Between: KONA MORTGAGE PARTNERS, L.L.C., a California limited liability company, "Licensor", and CELLCO PARTNERSHIP, a Delaware general partnership d/b/a Verizon Wireless, "Licensee"
Dated: April 20, 2004

A Memorandum of Agreement dated February 13, 2004 was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-118431.

The foregoing Unrecorded Option and Building and Rooftop License Agreement was amended by the following:

FIRST AMENDMENT OF LICENSE

Dated: September 30, 2004
Document No. 2004-206556

8. Any unrecorded leases, subleases, and/or tenancy agreements demising a portion of the land herein described, and any encumbrances affecting the same.
9. Any matters which would be shown by a modern metes and bounds survey, including any possible encroachments or discrepancies in boundaries or area.
10. This report has been prepared as a status of title only, with no liability herein assumed. First Hawaii Title Corporation reserves the right to add additional exceptions and/or title requirements if the report is used in a transaction.

END EXHIBIT "E"

EXHIBIT "F"

**ESTIMATE OF INITIAL MAINTENANCE FEES
AND
ESTIMATE OF MAINTENANCE FEE DISBURSEMENTS**

Estimate of Initial Maintenance Fees

<u>Apartment</u>	<u>Monthly Fee x 12 months = Yearly Total</u>	
1	\$409.93	\$4,919.18
2	\$210.80	\$2,529.64
3	\$210.80	\$2,529.64
4A	\$204.97	\$2,459.59
4B	\$204.97	\$2,459.59
5	\$199.13	\$2,389.61
6	\$199.13	\$2,389.61
7A	\$837.53	\$10,050.37
7B	\$845.93	\$10,151.14
8A	\$504.98	\$6,059.75
8B	\$219.25	\$2,631.03
8C	\$584.28	\$7,011.40
8D	\$246.66	\$2,959.90
8E	\$496.82	\$5,961.79
9A	\$256.57	\$3,078.86
9b	\$256.57	\$3,078.86
10A	\$256.57	\$3,078.86
10B	\$205.26	\$2,463.09
11	\$559.21	\$6,710.51
12	\$267.65	\$3,211.81
14	\$267.65	\$3,211.81
15A	\$1,166.45	\$13,997.36
15B	\$391.85	\$4,702.26
15B	\$542.30	\$6,507.59
16	\$161.52	\$1,938.28
Total	\$9,439.13	\$113,269.72

The Real Estate Commission has not reviewed the estimates of maintenance fee assessments and disbursements for their accuracy or sufficiency

Estimate of Monthly Fee Disbursements

Utilities and Service

Monthly Fee x 12 months = Yearly Total

Air Conditioning (Service)	\$300.00	\$3,600.00
Electricity		
[X] common elements only	\$2,725.00	\$32,700.00
[] common element and apartments		
Refuse Collection	\$521.00	\$6,252.00
Telephone	\$49.00	\$588.00
Water and Sewer	\$318.00	\$3,816.00

Maintenance, Repairs and Supplies

Building	\$1,000.00	\$12,000.00
Grounds	\$700.00	\$8,400.00

Management

Management Fee (bookkeeping)	\$800.00	\$9,600.00
Payroll and Payroll Taxes		
Office Expenses		

Insurance	\$1,093.00	\$13,116.00
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Reserve (*)	\$1,716.00	\$20,592.00
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Other

Elevator Service Maint.	\$221.00	\$2,652.00
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TOTAL	\$9,443.00	\$113,316.00
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I, Angela Wolfenberger, Managing Partner of AMI Properties, LLC, Developer of the condominium project, hereby certify that the above estimate of initial maintenance fee assessments and maintenance fee disbursements were prepared in accordance with generally accepted accounting principles.


Angela Wolfenberger

Date: 8/10/08

(*)Mandatory reserve assessment and collection in effect beginning 1994 budget year. The Developer is to attach to this exhibit an explanation whether, in arriving at the figure for "Reserve", the Developer has conducted a reserve study in accordance with §514A-836, HRS, and the replacement reserve rules, Subchapter 6, Title 16, Chapter 107, Hawaii Administrative Rules, as amended.

Pursuant to §514-A-83.6, HRS, a new association created after January 1, 1993, need not collect estimated replacement reserves until the fiscal year which begins after the association's first meeting

In arriving at the figure for "Reserve" the Developer has conducted a reserve study in accordance with §514A-836, HRS, and the replacement reserve rules, Subchapter 6, Title 16, Chapter 107, Hawaii Administrative Rules, as amended